

## REMARKS/ARGUMENTS

### A. Remarks.

Claims 1, 3, and 7 - 25 are pending in this application. Claims 1, 3, 10, 11, and 13-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Deutsch et al. U.S. Patent No. 4,340,617. Claim 7 stands rejected under 103(a) as being unpatentable over Deutsch et al. '617 in view of Marcus, U.S. Patent No. 5,017,317. Claims 9, 12, and 18-24 stand rejected under 103(a) as being unpatentable over Deutsch et al. '617 in view of Maxwell et al. U.S. Patent No. 5,786,023. Claim 8 stands rejected under 103(a) as being unpatentable over Deutsch et al. '617 in view of Marcus '317 and further in view of Amako et al., U.S. Patent No. 5,497,254. Claim 17 stands rejected under 103(a) as being unpatentable over Deutsch et al. '617 in view of Amako et al. '254. Claim 25 stands rejected under 103(a) as being unpatentable over Deutsch et al. '617 in view of Maxwell '023 and further in view of Amako et al., '254.

### B. Response

#### 1. 35 U.S.C. § 102(b) – Claims 1, 3, 10, 11 and 13-16.

Claims 1, 3, 10, 11, and 13-16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Deutsch et al. U.S. Patent No. 4,340,617. In response, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).

Claim 1 as amended includes "to thereby form the three-dimensional structure." Deutsch et al. '417 includes a "holographic ... forming apparatus ... to image a spatially disjoint pattern" (column 11, lines 35-38). A spatially disjoint pattern is not a three-dimensional structure. Thus this reference does not include each element of claim 1 and it is respectfully requested that

Deutsch et al. '417 be removed as the basis for the rejection of claim 1 and its respective dependent claims.

2. 35 U.S.C. § 103(a) - Claim 7

Claim 7 stands rejected under 103(a) as being unpatentable over Deutsch et al. '617 in view of Marcus '317. In response, to sustain a rejection under 35 U.S.C. § 103(a) a prima facie case of obviousness must be established. M.P.E.P. § 2142. To establish a prima facie case of obviousness there must be some suggestion or motivation either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Id. Second, there must be a reasonable expectation of success. Id. Finally, the prior art references (or references when combined) must teach or suggest all the claim limitations. Id.

As noted above, applicants respectfully note Deutsch et al. '617 does not teach an apparatus that can form a three-dimensional structure. Since claim 7 depends from claim 1, the combination of Deutsch et al. '617 and Marcus '317 do not teach or suggest all claim limitations of claim 7. Accordingly, the cited references are inappropriate to support a rejection of claim 7 under 35 U.S.C. § 103(a) and applicants respectfully request the rejection be reconsidered and removed.

3. 35 U.S.C. § 103(a) - Claims 9, 12, and 18-24

Claims 9, 12, and 18-24 stand rejected under 103(a) as being unpatentable over Deutsch et al. '617 in view of Maxwell et al. '023. Claim 9 is being amended with this paper to recite the method forms a three-dimensional structure. As noted above, the spatially disjointed pattern of Deutsch et al. '617 is not a three-dimensional structure created by the holographic of claim 9. Additionally, neither Deutsch et al. '617 nor Maxwell et al. '023 teach "a process environment

having a controllable pressure". Applicants note the amendment to claim 12 specifically reciting "the gaseous medium pressure within the processing chamber is manipulated to manipulate a deposition rate." It is therefore respectfully requested the rejection of these claims be reconsidered and removed.

4. 35 U.S.C. § 103(a) - Claim 8

Claim 8 stands rejected under 103(a) as being unpatentable over Deutsch et al. '617 in view of Marcus '317 and further in view of Amako et al. '254. In response, claim 8 depends from claim 7, and thus claim 8 is patentable over Deutsch et al. '617 and Marcus '317 for the same reasons as claim 7. Since Amako et al. '254 was cited as teaching a laser light, it is not a proper reference to support a rejection of claim 8.

5. 35 U.S.C. § 103(a) - Claim 17

Claim 17 stands rejected under 103(a) as being unpatentable over Deutsch et al. '617 in view of Amako et al. '254. In response, claim 17 depends from claim 1, and is patentable over Deutsch et al. '617 for the same reasons as claim 1 is patentable over this reference. Amako et al. '254 was cited as teaching a phase plate and not other elements of claim 17, this reference therefore is not a proper reference to support a rejection of claim 17.

6. 35 U.S.C. § 103(a) – Claim 25

Claim 25 stands rejected under 103(a) as being unpatentable over Deutsch et al. '617 in view of Maxwell '023 and further in view of Amako et al., '254. In response, claim 25 depends from claim 9, and is patentable over Deutsch et al. '617 Maxwell '023 for the same reasons as claim 9. Amako et al. '254 was cited as teaching a phase plate and not other elements of claim 25, thus Amako et al. '254 is not a proper reference to support a rejection of claim 25. It is respectfully requested the rejection of this claim be reconsidered and removed.

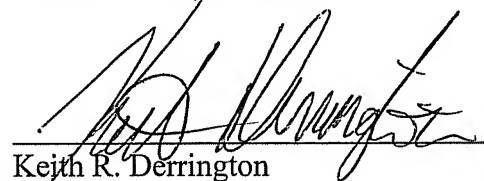
7. New Claim 26

New claim 26 depends from claim 12 and recites "wherein the gaseous medium pressure ranges from about 0 psia to about 100 psia." Support for this amendment can be found in paragraph [0052] of the application as published.

## CONCLUSION

It is believed that the foregoing response is full, complete, and timely filed. Applicants respectfully request reconsideration of the instant application in light of the foregoing response and amendments. Should the Examiner have any questions, comments or suggestions in furtherance of the prosecution of the application, the Examiner is invited to contact the Applicants' representative by telephone or fax.

Respectfully submitted,



Keith R. Derrington  
Registration No. 44,061  
BRACEWELL & GIULIANI LLP  
P.O. Box 61389  
Houston, Texas 77208-1389  
Telephone: (713) 221-1515  
Facsimile: (713) 437-5320  
Email: ron.derrington@bglp.com  
Attorneys for Applicants

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